

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MINUTES OF PROCEEDINGS

HONORABLE SALVADOR E. CASELLAS

Scheduled Time: 9:00 a.m.

Reset Time:

Starting Time: 9:50 a.m.

Ending Time: 11:20 a.m.

COURTROOM DEPUTY: Brenda Gonzalez

DATE: December 27, 2004

COURT REPORTER: Diane Breaz

CR. NO: 98-291-01 (SEC)

COURT INTERPRETER: Hilda Gutierrez

PO: Zulma Basora

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Attorneys:

UNITED STATES OF AMERICA

AUSA Desiree Laborde-Sanfiorenzo

v.

WILFREDO PICON-RIVERA

Francisco Dolz-Sanchez, Esq.

The defendant is present in court. Defendant is: _____ under custody X on bond.

CASE CALLED FOR RE-SENTENCE and imposed. The defendant stands before the Court for a second re-sentence, based on the judgment of the First Circuit Court of Appeals, dated January 12, 2004, wherein on appeal the sentence imposed on July 10, 2002, was reversed and the case remanded for re-sentencing. Pursuant to Guidelines 1B1.11(b)(1), the Court will use the Guideline Manual of 1994. The parties were heard in argument as to Blakely vs. Washington. The Government cited U.S. vs. Del Rosario and U.S. vs. Savarese. Defense counsel cited Aprendi. After hearing the parties, the Court believes that defendant be given the benefit under Blakely vs. Washington as applied in this Court in its prior sentences.

Imprisonment for a term of: _____

Supervised Release Term: _____

Probation Term: 2 years as to each of counts one, two and three, said terms to be served concurrently with each other.

Fine: ----- Special Monetary Assessment: \$ 300.00

 X All terms and conditions are specified in the judgment form. The defendant is advised of his right to appeal, etc.

 Defendant is to voluntarily surrender to the custody of the U.S. Marshals.

 Count(s) _____ is ordered dismissed per the Government's request.

Recommendation by the Court:

s/ Brenda Gonzalez
Brenda Gonzalez
Courtroom Deputy Clerk